

**April 22, 2003 Semi-annual HCP Review Meeting**  
**10:00 a.m. to 3:00 p.m. at Darwin Rd.**

**Present:** Janet Smith, Cathy Carnes, Jimmy Christenson, Eric Ebersberger, Signe Holtz, Becky Isenring, Dave Lentz, Yoyi Hernandez (recorder).

## **MINUTES—FINAL**

### **1. Participation Plan 3-year Review - discussion**

DNR proposes making a presentation to R3 & GBFO.

Dave explained the idea of turning the 3-year review into a visual presentation that could be given for the new regional director. Janet said that this might be able to fit in with the Service's schedule. They are giving a briefing on the recovery plan for the regional director on May 20th, but this might not be the best time for such a presentation. Janet did say that she wasn't sure how much time the regional director would have that day. Dave clarified the format of the 3-year review for Cathy (a report plus a brochure that can be converted to a Power Point presentation). There was some discussion of the regional director's availability, perhaps over the summer. It was suggested that she could come to the summer HCP field trip meeting.

**ACTION: Dave said that he would keep in touch with Cathy and Janet and let them know when the report materials were ready.**

**ACTION: Janet & Cathy will let Dave know when they have more information about the regional director's schedule.**

### **2. FWS Support of HCP – discussion**

Support needed in a timelier manner. (see attached "Issues Pending" list)

Dave said he understands that the Service has been busy working on recovery, but there are number of HCP issues that are pending, and have been for some time. The DNR is experiencing some loss of credibility with the partners because of the lack of expediency in addressing these issues (e.g., no CI yet for Plum Creek). There was some discussion about the perspective of some of the partners and what their concerns are, as well as concerns that the DNR has in terms of HCP implementation, trying to process new inclusions, and dealing with budget cuts. Janet and Cathy described their own problems with budgets and workloads. Cathy said that she has had some time in the last month to review some of the backlogged work (ATC's SHCA), and has found some inconsistencies and missing information. She said that the FWS has a responsibility to review these documents to make sure all is in order, and offered this as an example of how, unfortunately but inevitably, processing delays happen. Signe said that this is where the importance of streamlining comes in: of

looking at how processing is done and seeing how it can be done more efficiently. Janet said that the unique character of this HCP contributes to the added time needed to review conservation agreements and other materials. Jimmy said that what's needed is to discuss how we can cut down on this review time. There was discussion of the example of ANR's request for a pre-management survey exclusion. Signe expressed appreciation for the Service's commitment to work on the backlog, and said that both groups (DNR and FWS) will need to discuss and agree upon ways to prevent such a backlog from happening again. Cathy asked about prioritizing the backlogged issues, and suggested that perhaps it would be better for her to work on CIs for the town and county highway departments. Dave agreed, but said that he would also like to see the Crex prescribed burn issue addressed soon. He said that sometimes things take so long that those involved forget what they previously discussed and agreed upon, and then this process has to take place all over again. Janet asked what was still needed on the addition of Bromacil issue. Signe asked for a summary and clarification of this whole discussion.

**Summary: FWS commits to start working on the backlog; priorities have been identified for this. DNR commits to working with FWS on streamlining processes and making them more efficient.**

Break for lunch. Signe and Becky did not return after lunch.

### **3. Streamlining HCP implementation - general discussion**

(See attached "Streamlining Table" for recommendations: more detailed discussion on individual items.)

- FWS approvals for minor amendments: Jimmy described the development of this idea from conversations with Lorin Hicks of Plum Creek, and summarized the proposed change. Janet said that the key to this would be agreement between the DNR and the Service as to what is meant by a "minor amendment". There was some discussion of how the proposed change would work: identifying categories of issues or actions that require FWS approval, and others that are at the discretion of the DNR and about which the FWS will be informed and given the opportunity to comment on, but for which FWS approval is not necessary. Dave emphasized that this change would be applied conservatively at first to see how it works.

**ACTION: Dave will discuss Plum Creek's experiences with FWS in Montana with Lorin to help identify categories of issues that apply.**

Cathy and Janet requested that the FWS comment period be extended to twenty days.

- Self-monitoring: pre-management surveys: Dave summarized this proposed change, with examples from partners. The issue was discussed. As an example, TNC continues to do surveys at Quincy Bluff well knowing that they won't find KBB. Cathy suggested they could stop surveying all sites and just survey an entry site closest to the nearest known KBB site until KBBs arrive at Quincy. Jimmy

emphasized that it was more a matter of trust for the partners rather than an attempt to avoid work; i.e., partners that have been managing their land for many years should be trusted to be able to assess if a given site is likely to have lupine and/or Karners. Janet commented that it would be nice if trust could flow both ways and the partners would trust FWS with their data. Dave summarized the issue of relative abundance surveys being a requirement of pre- and post-management surveys; Dave said that the BioTeam needs to work on developing specific and compelling reasons for collecting data on relative abundance, which are lacking now. Dave continues to feel that the reasons for counting butterflies during self-monitoring are not well articulated or justified. This was discussed. Dave said that a subset of the BioTeam will be meeting in between the Karner first and second flights this summer (probably early July) to talk specifically about Effectiveness Monitoring improvement issues.

**ACTION: DNR will ask DNR and IOC for examples of when land managers might decide a pre-management survey is not likely to find lupine/KBB and is not necessary. In addition, examples should include justification, intermediate actions, i.e., small sample surveys like TNC above, and triggers that might cause land managers to change their decision and resume doing pre-management surveys.**

- New partner inclusions: Dave summarized this issue, and it was discussed. Cathy asked for a clarification of the lands-included database. Dave said he would like to get the new partner inclusion process streamlined before the invitation to the railroads goes out.

**ACTION: Cathy will work with Dave on what the FWS needs to have included in an application and request for a CI.**

**ACTION: Dave will develop an improved new partner inclusion process and associated forms and guidelines.**

- Annual reports for limited partners: Dave summarized the issue of annual report requirements for limited partners, and it was discussed. Dave suggested having limited partners simply regurgitate their management log for their annual report, since all they are doing is mowing. If they did permanent take, then they would have to submit additional documentation. Cathy and Janet favored the idea of some kind of datasheet that they would have to fill out, even if only for their own records (and to supply during audits). Cathy commented that the annual report keeps partners engaged in the process on at least a yearly basis (as opposed to audits, which happen every 3 years). Jimmy said that we should avoid meaningless documentation. Janet agreed.

**ACTION: Dave will redesign the Limited Partner inclusion and participation process to be more streamlined, simpler, and less intimidating to prospective applicants.**

Cathy said she didn't doesn't believe she received a report from Adams County Highway Department on their mitigation (Archer Ave.). Also, she didn't think the work had been done. Dave said the work was complete and that Ron Chamberlain was very pleased with the amount of mitigation accomplished.

**ACTION: Dave will send Cathy the Adams County mitigation report.**

- Improve mowing guideline: Dave summarized the issue. Jimmy emphasized concern over invasive plants. There was some discussion. Cathy emphasized the need to develop guidelines that control invasive plants but that focus on protecting lupine and Karners. Dave cautioned that the guidelines need to be simple if they are to work for townships. Dave commented that the IOC has been discussing the issue for some time and that Gary Birch is gathering information to consolidate the fragmented and vague guidance to develop a proposal. If needed, the BioTeam will take up the issue.

**ACTION: DNR and Partners will develop broader mowing guidelines to accommodate multiple objectives, i.e. invasive plant management.**

- Ditching guideline: Dave said that instead of using the 'greater or smaller than 1 acre' criteria, he felt a distinction between construction and routine maintenance would be more in line with the intent. Janet said we will need definitions for what is construction and what is routine maintenance.

**ACTION: Dave will solicit definitions for the different ROW activities that remove vegetation. Dave will develop a proposed guideline with standard mitigation and reporting requirements for appropriate types of management.**

- Outreach and education: Dave expressed the likelihood that DNR would be reducing their general HCP-related O&E activities and focus on new partner recruitment, education and orientation. He is still planning on going to Farm Progress Days and the Karner Blue Festival this year. HCP partners will continue all their O&E efforts.
- Changed/unforeseen circumstances reporting: Dave said he and Cathy discussed this a bit at lunch. Dave diagrammed a hypothetical example. The DNR's and partners' experiences have been that the 'changed circumstance' events to date have resulted in positive habitat changes. These have been mostly wildfires, one tornado, and some wind damage. In all cases, KBB were either not present or had not previously been surveyed for (unknown), but the landscape was opened up. Dave suggested that these shifting mosaic sites should be treated no differently than other unselected sites in the Level I monitoring pool, i.e., wait until they are randomly selected for monitoring. To automatically require monitoring just adds to the monitoring workload. Dave said that partners know when they have a wildfire or tornado. When this happens, there are other reporting requirements already in place that will document the event. If the results of the event would affect KBB management, we need to trust the partners to make necessary internal reactions.

Partners could report all such events on their annual report. This would reflect additional habitat creation, much like reporting “proactive conservation”. Jimmy reminded us that impacts from changed circumstances do not constitute incidental take. As an additional measure it would be reassuring to the FWS if partners would report events occurring in a SPA within the 90-day report period.

**ACTION: DNR will draft a new section in the annual report form to report changed/unforeseen circumstances; and a 90-day short form for reporting events occurring within SPAs.**

#### 4. Updates, Status Reports, Decisions

(See attached “Issues Pending” list from #2 above for additional discussion items)

- Onyx 7-mile Creek Landfill: discuss draft SHCA. Will need more time to discuss.

**ACTION: Cathy will document her comments on this draft and send to Dave. Dave will take up Cathy’s assessment with the applicant’s consultant.**

- Inclusion invitation to Utilities and RRs about to be mailed. Are we ready?  
Janet thought that there might be some overlap with utilities, like some coops that may fall under the Rural Electrification Act (REA). If so, some of these potential partners could collectively be covered under a Section 7 consultation.

**ACTION: Dave will hold mailing the invitations until (see next action)**

**ACTION: Janet will investigate further and get back to Dave.**

The invitation letter may need a qualifying statement that excludes REA companies from needing to join the HCP.

- ITP Condition M amendment proposal.  
Dave shared a draft letter requesting ITP amendments with Cathy

**ACTION: Cathy will let Dave know if this will work (need before May 1 expiration of Condition M).**

**ACTION: If okay, Dave will send amendment request to Janet and Pete Fasbender.**

- Gypsy Moth Control: Conservation measures in HCP or USFS’ Section 7 permit?  
Dave commented that he spoke to Darrell Zastrow regarding the need to include a conservation measure in the HCP for Gypsy Moth control. Darrell said that the with the 50% cost share, he felt confident that HCP partners would do any Gypsy moth control through the USFS program, and take would occur under the FWS/FS Section 7 consultation. Cathy thought there still might be an occasion where a conservation measure would be needed in the HCP. Dave said no, this would be duplication and we don’t need more work that doesn’t add value. Janet agreed.

**ACTION: Dave will draft a proposal to remove “Gypsy Moth Infestation” from the changed/unforeseen circumstances section of the HCP, and to make other related modifications needed to clarify this change and the reporting changes.**

- Dave shared with Cathy another revision of clarifying language for the nested Level 3 site selection scheme.

**ACTION: Cathy will let Dave know if this will suffice.**

- What determines if a permanent take applicant is a “one-time permittee” or “full partner”? Clarify. Dave shared this statement:

*CLARIFICATION*

*KBB HCP - PARTICIPATION STRATEGY*

*An entity proposing a permanent take of KBB can become a full partner or a one-time-permittee. The entity would become a full partner if they are proposing or would be required to perform ongoing habitat maintenance themselves (or under contract with a non-partner) as part of mitigating the permanent take.*

*If they contract an existing partner to take responsibility for performing required ongoing habitat maintenance, or have no such requirement, the entity could be a one-time-permittee.*

It was agreed that this is consistent with the participation plan.

**Closing**

**1. Review Action Items.**

**2. Issues for next review meeting.**

**3. Schedule next 6-month review meeting:**

- **October 29<sup>th</sup>, 2003 in New Franken.**